

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

---

CHARLES WHITE,

Plaintiff,

v.

CIV 12-00517 WJ-RHS

BRIAN SANCHEZ,

Defendant.

**MEMORANDUM OPINION AND ORDER STRIKING MOTIONS**  
**AND ORDERING RE-FILING**

THIS MATTER comes before the Court sua sponte. Two motions are pending in this case: Defendant's Motion for Summary Judgment (Doc. 11) and Plaintiff's Motion for Leave to File Surreply (Doc. 29). Both parties have also filed Notices of Errata (Docs. 22 and 24), adding pages from exhibits which were inadvertently omitted. In his request to file a surreply, Plaintiff contends that Defendant offered for the first time in his reply excerpts of trial testimony from several medical experts, and offers detailed argument as to why those exhibits do not support the contention for which they have been offered. The Court would be required to invest as much time in considering Plaintiff's motion as it would in simply allowing Plaintiff the opportunity to respond to the new arguments raised in the reply.

The one motion for summary judgment has spawned several other pleadings: the Notices of Errata which the Court would have to take the time to insert into the proper places in the briefs; the motion for supplemental briefing; and a supplemental brief (assuming the Court grants Plaintiff's request). In addition, in his Notice of Errata, Defendant states he has "no objection" to Plaintiff filing a supplemental response brief in order to address the supplemental exhibit.

While the parties may have no objection to the filing of multiple pleadings for one motion, the Court *does* object to having to deal with multiple pleadings concerning one motion which are filed due to the oversight or hindsight of counsel, or to counsel's failure to adequately proofread pleadings before they are filed with the Court.

Thus, in order to reduce the complications now associated with Defendant's one motion for summary judgment, the Court shall STRIKE Defendant's Motion for Summary Judgment (Doc. 11) and Plaintiff's Motion for Leave to File a Surreply (Doc. 29). Parties shall re-file their respective briefs on or before **Monday, January 28, 2013**. Response and reply briefs shall follow this Court's local rule requirements. Re-filing will allow Defendant to include all arguments and exhibits that are raised in the currently filed reply, in order to allow Plaintiff a full opportunity to respond to those arguments. No surreplies will be allowed for the re-filed pleadings.

**SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE